

Assembly Bill No. 259

CHAPTER 184

An act to add Section 379 to the Penal Code, relating to crimes.

[Approved by Governor July 22, 2008. Filed with
Secretary of State July 22, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 259, Adams. Crimes: sale or distribution of *Salvia divinorum*.

Under existing law, the sale or distribution of specified intoxicating substances is a crime, punishable by imprisonment or a fine.

This bill would make the sale or distribution of *Salvia divinorum* or Salvinorin A, or any substance or material containing *Salvia divinorum* or Salvinorin A, to any person under 18 years of age a misdemeanor, punishable by imprisonment in a county jail for not more than 6 months, by a fine of no more than \$1,000, or both.

Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 379 is added to the Penal Code, to read:

379. Every person who sells, dispenses, distributes, furnishes, administers, gives, or offers to sell, dispense, distribute, furnish, administer, or give *Salvia divinorum* or Salvinorin A, or any substance or material containing *Salvia divinorum* or Salvinorin A, to any person who is less than 18 years of age, is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime

within the meaning of Section 6 of Article XIII B of the California Constitution.

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